

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

APR 8 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

PAUL ENGSTROM,

Defendant-Appellant.

No. 22-10049

D.C. No.

2:21-cr-00190-APG-EJY-1

District of Nevada,

Las Vegas

ORDER

Before: PAEZ, RAWLINSON, and WATFORD, Circuit Judges.

This is an appeal from the district court’s pretrial detention order. We have jurisdiction pursuant to 18 U.S.C. § 3145(c) and 28 U.S.C. § 1291.

We review the district court’s factual findings concerning risk of flight under a “deferential, clearly erroneous standard.” *United States v. Townsend*, 897 F.2d 989, 994 (9th Cir. 1990). The conclusions based on such factual findings, however, present a mixed question of fact and law. *Id.* Thus, “the question of whether the district court’s factual determinations justify the pretrial detention order is reviewed de novo.” *United States v. Hir*, 517 F.3d 1081, 1086-87 (9th Cir. 2008) (citations omitted).

The district court correctly found that the government has met its burden of showing, by a preponderance of the evidence, that “no condition or combination of conditions will reasonably assure the [defendant’s] appearance,” 18 U.S.C.

§ 3142(e), and that appellant therefore poses a risk of flight. *See United States v. Motamedi*, 767 F.2d 1403, 1406 (9th Cir. 1985). We therefore affirm the district court's pretrial detention order.

AFFIRMED.